

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROCHELLE M. JONES and
JAMES L. THOMAS,

Plaintiffs,

v.

SHERRY W., et al.,

Defendants.

ORDER and FIFTH AMENDED
SCHEDULING ORDER

16-CV-0234FPG

Currently pending is a motion by defendant Sherry W. to amend the current scheduling order. (Docket ## 139, 143). On January 18, 2022, this Court issued a motion scheduling order requiring any responses to the motion to be filed by no later than February 1, 2022. (Docket # 144). None of the parties opposed the motion. Accordingly, Sherry W's motion (**Docket # 143**) is **GRANTED**. It is hereby

ORDERED, that this Court's October 14, 2021 Fourth Amended Scheduling Order (Docket # 139) shall be amended as follows:

1. All factual discovery in this case, including depositions, shall be completed by **February 28, 2022**.
2. Dispositive motions, if any, shall be filed by **April 21, 2022**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Chief Judge Geraci.
3. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge

after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

**NO FURTHER EXTENSIONS SHALL BE GRANTED ABSENT A
SHOWING OF GOOD CAUSE.**

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
February 2, 2022